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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,348	06/22/2005	John Quilty	P14948US1	5223

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EXAMINER	
GOEL, DINESH K	

ART UNIT	PAPER NUMBER
4134	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,348	QUILTY ET AL.	
	Examiner	Art Unit	
	DINESH GOEL	4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/22/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-11,13 and 15-19* is/are rejected.

7)☒ Claim(s) *3 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/17/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,2,4, 5, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. Patent No. 6944280) in view of Beever et al (U.S. Patent No. 5699356).

Referring to claim 1, Suzuki teaches (Figure 1, Column 2 Line 1) a communication system comprising a media gateway node arranged to establish communications between a first IP network and a second telephone network (circuit-switched communication) via a plurality of circuit-switched channels associated with said gateway node, and at least two control entities (media gateway controllers) arranged to control communications between said first and second networks. Although Suzuki teaches about load distribution among the media gateway controllers (Column 5 Line 31), it does not specifically teach where each of the media gateway controllers is allocated a respective group of said given channels for control. Beever et al teaches (Column 2 Line 1) such a scheme for allocation of circuit-switched channels. Beever et al further teaches

(Column 2 Line 1, Column 4 Line 63, and Column 5 Line 1) monitoring communication performance information (reads call activity), determining whether reallocation is needed, and performing the calculation for reallocation of circuit switched channels among the said control entities.
At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Beever et al with the teachings of Suzuki. The motivation would be to have a gateway communication system where it would be possible to dynamically reallocate circuit-switched channels (between a circuit-switched network and media gateway) among various gateway controllers based on the performance conditions to allow proper distribution of traffic loading (taught by Beever et al at Column 2 Line 1).

Referring to claim 2, Suzuki and Beever et al teach a communication system and method as included in claim 1. Beever further teaches (Column 2 Line 1) that the circuit-switched channels are time division multiplex channels. As such, it would have been obvious to a person of ordinary skill in the art at the time of invention to further apply the teachings of Beever et al over the teachings of Suzuki to teach the limitation of this claim. The same motivation applies as mentioned in the rejection for the parent claim.

Referring to claim 4, Suzuki and Beever et al teach a communication system and method as included in claim 1. Beever further teaches (Column 2 Line 36) a

method wherein said reallocation procedure comprises discrimination between reallocatable (Beever reads "non-assigned") and non-reallocatable (Beever reads "assigned") circuit-switched channels, where the calculating of a reallocation of circuit-switched channels is only performed for the reallocatable circuit-switched channels. As such, it would have been obvious to a person of ordinary skill in the art at the time of invention to further apply the teachings of Beever et al over the teachings of Suzuki to further teach the limitation of this claim. The same motivation applies as mentioned in the rejection for the parent claim.

Referring to claim 5, Suzuki and Beever et al teach a communication system and method as included in claim 1. Beever further teaches (Column 5 Line 13) a method wherein the step of automatically determining if a reallocation triggering condition is met comprises checking whether data received from said one or more sources of communication performance information fulfills one or more rules. As such, it would have been obvious to a person of ordinary skill in the art at the time of invention to combine these additional teachings of Beever et al with the teachings of Suzuki to teach the limitation of this claim. The same motivation applies as mentioned in the rejection for the parent claim.

Device claims 13 and 16 correspond to method claims 1 and 5 respectively. Therefore these have also been analyzed and rejected.

3. Claim 6-10, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. Patent No. 6944280) in view of Beever et al (U.S. Patent No. 5699356) and further in view of Romero et al (U.S. Patent No. 7249179).

Referring to claim 6, Beever et al teaches the limitation of claim 5 in addition to Suzuki and Beever et al teaching a communication system and method as included in claim 1. However, they do not teach as to how the rules for channel reallocation are configured. In a related prior art, Romero et al teaches (Column 2 Line 40 and Column 6 Line 45) the method wherein said rules are user configurable. As such, it would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of Romero et al with the teachings of Suzuki and Beever et al. The motivation would have been to make the rules for meeting the conditions for channel reallocation user configurable as taught in this prior art.

Referring to claim 7, Suzuki and Beever et al teach a communication system and method as included in claim 1. Beever et al further teaches (Column 4 Line 63 and Column 5 Line 1) reallocation procedure comprising a step of checking whether a condition for automatic reallocation execution is fulfilled and if so, executing the calculated reallocation. However, in case the condition is not fulfilled, it does not teach outputting an indication to a user that a reallocation has been calculated. In a related prior art, Romero et al teaches (Column 3 Line 11)

alerting an administrator for a manual intervention in such a situation. As such, it would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of Romero et al with the teachings of Suzuki and Beever et al. The motivation, as taught by Romero et al (Column 2 Line 26) would be to provide an opportunity to an administrator for manual intervention when the reallocation triggering condition is met.

Referring to claim 8, Romero et al teaches the limitation of claim 7 in addition to Suzuki and Beever et al teaching a communication system and method as included in claim 1. Romero et al also teaches (Column 3 Line 11) wherein after having output said indication to a user that a reallocation has been calculated, said reallocation procedure waits for a user confirmation input, and if said user confirmation is input, executing the calculated reallocation. As such, it would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of Romero et al with the teachings of Suzuki and Beever et al. The motivation, as taught by Romero et al (Column 3 Line 18) would be to provide a method wherein a user will have an opportunity to confirm or reject the execution when the reallocation triggering condition is met.

Referring to claim 9, Romero et al teaches the limitation of claim 8 in addition to Suzuki and Beever et al teaching a communication system and method as included in claim 1. Romero et al does not explicitly teach wherein while waiting

for said user confirmation input, said reallocation procedure determines, on the basis of the momentary data received from said one or more sources of communication performance information, whether the calculated reallocation for which said indication was output is still needed, and if not, disables the user confirmation. However, Romero et al teaches (Column 3 Line 11) a mechanism which would carry out this method. As such, it would have been obvious to a person of ordinary skill in the art at the time of invention to further apply the teachings of Romero et al over the teachings of Suzuki and Beever et al to provide a method wherein the said indication for user confirmation is to be disabled on the basis of the new performance data when the reallocation procedure determines that the calculated reallocation is no longer needed.

Referring to claim 10, Romero et al teaches the limitation of claim 7 in addition to Suzuki and Beever et al teaching a communication system and method as included in claim 1. Beever et al further teaches (Column 5 Line 13) wherein said condition for automatic reallocation execution is the presence of one or more predetermined timing value, a predetermined flag setting, and a predetermined signal. As such, it would have been obvious to a person of ordinary skill in the art at the time of invention to further apply the teachings of Beever et al to teach the limitation of this claim.

Device claims 17 and 18 correspond to method claims 6 and 7 respectively. Therefore these have also been analyzed and rejected.

4. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. Patent No. 6944280) in view of Beever et al (U.S. Patent No. 5699356) and further in view of Brothers et al (U.S. Patent No. 6789182).

Referring to claim 11, Suzuki and Beever et al teach a communication system and method as included in claim 1. They do not teach wherein each calculated reallocation is recorded together with a time-stamp and information associated with the reallocation triggering condition that triggered the reallocation calculation. Brothers et al teaches (Column 3 Line 19 and Column 12 Line 45) a method and system for logging event data in a distributed system. The events are stored in the event memory with a time stamp. It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of Brothers et al with the teachings of Suzuki and Beever et al. The motivation for logging the events would be for a user to analyze the record of events to determine what events took place and when (taught by Brothers et al at Column 1 Line 43). This information would be used to make further improvements in the system.

Device claim 15 corresponds to method claim 11. Therefore this has also been analyzed and rejected.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. Patent No. 6944280) in view of Beever et al (U.S. Patent No. 5699356) and further in view of Sheard et al (U.S. Patent No. 6453356).

Referring to claim 19, Suzuki and Beever et al teach a communication system and method as included in claim 13. They do not explicitly teach the system comprising one or more interface adapters each being arranged to convert a format used inside the device into an interface format used in a node with which the interface adapter is designed to be connected. Sherad et al teaches (Column 2 Line 31 and Column 3 Line 1) a system and method for exchanging data between two or more applications using interface adapters. It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of Sheard et al with the teachings of Suzuki and Beever et al. The motivation would be to allow exchanging data with different formats between applications with different interface characteristics (taught by Shread et al at Column 1 Line 9)

Allowable Subject Matter

6. Claims 3 and 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINESH GOEL whose telephone number is (571)270-5201. The examiner can normally be reached on Monday-Friday 8:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. G./
Examiner, Art Unit 4134

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 4134